

**MINUTES OF THE REGULAR MEETING
OF THE PLANNING BOARD
HELD IN THE TRUSTEES' ROOM, VILLAGE HALL
ON WEDNESDAY, JULY 2, 1997**

Members

Present: Patrick J. Gilmartin, Chairman
Robert Buford
William Hoffman, Acting Secretary

Members Absent: Peter Lilienfield
Allen Morris

Also Present: Kevin J. Plunkett, Village Counsel
Brenda Livingston, Ad Hoc Planning Board
Member
Eugene Hughey, Building Inspector
Florence Costello, Planning Board Clerk
Peter Oley, E.C.B. Member
Joseph S. Jacoby, J&L Reporting Service,
for Westwood
Development Associates
Applicants and other persons mentioned in
these Minutes
Members of the Public.

IPB Matters

Considered: 94-03 -- Westwood Development
Associates, Inc.

Sht. 10, 10C, 11, Lots
25K, 25J2, 25K2, 25A, 26A
96-13 -- Louis W. Goodkind
Sht. 10F, Bl. 253, Lot 15
96-30 -- Renato Rancic
Sht. 13B, P9B, P25A, P69A, Lot #3
97-14 -- Ettore & Maria D'Alessio
Sht. 13, Lot 141A
97-16 -- Irvington Associates, L.L.C.
Sht. 12B, Lot #34
97-17 -- Mitchell & Adrienne Bernard
Sht. 13B, P-14
97-18 -- Jonathan Elwyn & Heidi Jellinghaus
Sht. 11, P-68
97-19 -- Lance Balk & Margaret Determan
Sht. 13B, P-49A

The Chairman called the meeting to order at 8:00 P.M.

IPB Matter #96-13: **Application of Louis W.**
Goodkind for **Preliminary**
Layout Approval for a two lot
Subdivision of property at Harriman Road and
Fieldpoint Drive.

Gerald D. Reilly, Esq., appeared on behalf of the application, and requested an adjournment to the Board's August meeting, which was approved.

IPB Matter #97-17: **Application of Mitchell &**
Adrienne Bernard for **Site**
Development Plan Approval for property at
240 Harriman Road.

Stephen Tilly, Architect, appeared on behalf of the Application. Applicant paid the required application fee and provided evidence of publication and mailing of required Notice to Affected Property Owners. The proposed development consists of a detached two-car garage with a footprint of 598 square feet and a cubic area of 9700 cubic feet.

Mr. Rich Helbig, a neighbor, was concerned about the impact of the location of the garage on the view from his front door. He was also told that no blasting would be required. Another neighbor, Mr. Robert Goldfarb, asked why the garage is not attached or behind the house.

The Board indicated an inclination to approve but adjourned the matter sine die to be considered again after there has been: 1) A ZBA ruling on a side yard variance. Proposed garage is only 9 feet from the property line. 2) A screening plan is prepared. 3) A re-configured gravel parking area is shown. 4) The Applicant has had the opportunity for further discussion with the neighbors on the location of the garage. The Board noted that the next submission should show the location of the nearest neighbors' homes.

IPB Matter #97-18: **Application of Jonathan D.**
Elwyn & Heidi G.B.

Jellinghaus for Site Development

Plan Approval

for property at 202 Hermit's

Road.

Stephen Tilly, Architect, appeared on behalf of the Application. Applicant paid the required application fee and provided evidence of mailing of required Notice to Affected Property Owners. The proposed property development includes both a two-story addition to the north of the existing residence of approximately 24 feet by 28 feet of the same height as that of the existing residence, and a one-story addition with porch to the east side of the house, approximately 15 feet by 27 feet. The total additions would be an increase of approximately 15,400 cubic feet to the interior of the house and 980 square feet to the footprint. Also proposed is a drive from Hermit's Road to the existing house.

Because the property is in the watershed the Board requested: 1) A site development plan which shows the proposed driveway, the trees to be removed and a drainage plan. 2) A site walk to be scheduled after the addition and driveway have been staked out. The matter was carried over to the next meeting.

IPB Matter #97-19:

Margaret

Development Plan Approval

Application of Lance Balk &

Determan for Site

for property at 15 Lewis Road.

Matthew Behrens, Architect, appeared on behalf of the Application. Applicant paid the required application fee and provided evidence of mailing of required Notice to Affected Property Owners. The proposed development consists of a 19 ft. by 19 ft. addition to the existing residence. It will contain an additional 360 square feet of living space on (1) floor, creating a total of approximately 6,200 cubic feet. The existing footprint of 1,975 square feet will be increased 360 feet.

The Chairman, with the Board's concurrence stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public. The Board then determined that this application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made, seconded and unanimously approved the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed alteration and addition meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application.

IPB Matter #96-30:
for Site
Approval for Lot #3,

Application of Renato Rancic
Development Plan
Dedyo Subdivision.

Jim Ryan of John Meyer Consulting and David Steinmetz, Esq., of Shamberg Marwell Cherneff Hocherman Davis & Hollis, P.C., appeared for the application and provided an Affidavit of Publication and evidence of mailing of the Notice to Affected Property Owners for a Public Hearing for Site Development Plan Approval and Amended Limited Site Development Plan Approval for Lot 3. The Applicant submitted: Drawings prepared by John Meyer Consulting, "Site Plan (Lot #3), SDP-4, revised 6/3/97", "Utility Plan (Lot #3) SDP-5, revised 6/3/97",

"Construction Details (Lot #3), SDP-6 & SDP-7, revised 6/3/97", and "Storm Water Management Report, revised 6/4/97".

The Chairman opened the public hearing. A letter dated July 1, from a neighbor, Janet Silberman, was read into the record. She was concerned that the driveway was within 15 feet of her property - it really is 55 feet. She also requested a shrubbery screening plan for the driveway. A July 2, memo from Mr. Mastromonaco was discussed. He remains concerned with the drainage plan. The Board requested that the Applicant work with Mr. Mastromonaco on the temporary ponding and silt accumulation issue. An explicit plan to fix the secondary pipe which impacts the Mahon property was requested.

The Public Hearing was adjourned, but the Applicant was asked to prepare a draft resolution two weeks in advance of the next meeting.

IPB Matter #94-03:
Development

Application of Westwood

Associates, Inc., for Limited

Site Development

Plan Approval for property at

Broadway,

Riverview Road and Mountain Road.

Messrs. Padraic Steinschneider and Charles Pateman appeared on behalf of the Application. The Applicant stated that they agreed that a new DEIS must be submitted. They also stated the need for a meeting with the Board and its Consultants to review point by point the comments made on the past DEIS submission. The Board suggested that the Applicant and its consultants first meet with the Board's consultants to be certain there was common understanding of those comments

The Chairman expressed the continuing need for input from the School Board on safety issues involving the access alternatives. Paul Bergins, Esq., Counsel to the School Board stated that he will report to the Planning Board at the August meeting. Mr. Bruce Goldberg, President of the Fieldpoint Community Association, stated that he would provide census information at the next meeting.

A stenographic transcript of the proceeding was made and will be filed as part of the Board's record on this matter.

IPB Matter #97-14:
Maria D'Alessio for

Application of Ettore &

Site Development Plan Approval
Preliminary Subdivision

and
Approval for property

at 27 Hamilton Road.

Christina Griffin, Architect, and Gerald D. Reilly, Esq., appeared for the Applicant. The Chairman expressed concern for the frontage issue of the "flag lot". Mr. Plunkett was asked to provide a legal opinion on whether there is a frontage requirement in the Village Code. The Applicant was told that the right of way dimensions on the plans for the Broadway access did not match those from the title company. The Applicant was asked to update the plans and provide the neighbors with the required Notice of the public hearing which the Board scheduled for its August meeting.

IPB Matter #97-16:
Associates for Site

Application of Irvington

Development Plan Approval for Lot

#34,

Legend Hollow.

Craig Studer, Project Manager at Legend Hollow, appeared for the Applicant. Applicant paid an application fee and provided an Affidavit of Publication and evidence of mailing of required Notice of the Public Hearing to Affected Property Owners.

E.C.B. comments dated July 1, 1997 and Ralph Mastromonaco's memo dated July 2, 1997 were considered.

The Chairman opened the public hearing. There were no comments from the public. The Board closed the public hearing. The Board requested that the sewage pump system should be detailed on the plans as per Ralph Mastromonaco's comments. The discussion was adjourned, but tentative approval was provided subject to Mr. Mastromonaco's sign-off on the revised plans.

Ministerial:

Mr. Craig Studer noted Irvington Associates, Legend Hollow Subdivision, has submitted a Site Development Plan Approval Application for Lot #3, for review and public hearing at the August 6, 1997 Planning Board meeting. A site walk will be set up.

The Board then considered the following administrative matters:

- The Board noted receipt of a letter from William M. Mooney, Esq., Plunkett & Jaffee, regarding the commencement by the Village of Eminent Domain Proceedings for parcel of land for a Village winter salt and sand storage facility and inviting comments. After discussion, the Board determined that it had no comments to make to the Village Board with regard to this matter.
- Minutes of the Planning Board held on May 7, 1997, and June 4, 1997, previously distributed, were on motion duly made and seconded, approved.
- The next regular meeting of the Planning Board was scheduled for August 6, 1997.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Secretary

William Hoffman,